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March 1, 2023

**VIA ECF**

Honorable Brian Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Justin Sherwood v. City of New York, et al., 22-cv-7505 (BC)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York and Officer Reis. Defendants write to inform the Court that, upon information and belief, New York County Supreme Court granted plaintiff leave to file two notices of claim related to the September 10, 2021 and October 18, 2021 incidents, *nunc pro tunc*. As such, defendants withdraw the portion of their Motion to Dismiss which seeks dismissal of plaintiff's state law claims arising from the September 10, 2021 and October 18, 2021 incidents for failure to file a timely notice of claim. Insofar as plaintiff does not allege timely notices of claim for the remaining incidents of August 13 and 26, 2021, defendants maintain their Motion to Dismiss as to those two dates.

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch  
*Senior Counsel*

cc: **VIA ECF**  
*All Counsel of Record*